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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Austria,* Azerbaijan,* Belgium, Bolivia (Plurinational State of),* Bosnia and Herzegovina,* Brazil, Bulgaria,* Chile, Cyprus,* Denmark,* Ecuador, Finland,* France,* Germany, Haiti,* Italy,* Latvia,* Luxembourg,* Maldives,* Malta,* Mexico, Montenegro,* Paraguay,* Peru, Philippines, Portugal,* Republic of Moldova,* Romania,* Slovakia, Slovenia, Spain, Thailand,* the former Yugoslav Republic of Macedonia,* Ukraine: draft resolution

37/... Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles of economic, social and cultural rights enshrined in international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the respect, promotion and fulfilment of one category of rights should never exempt States from the respect, promotion and fulfilment of the other rights,

Recalling also the United Nations Millennium Declaration, in which the Heads of State and Government affirmed their commitment to spare no effort to promote democracy and strengthen the rule of law, as well as peace, development and respect for all internationally recognized human rights and fundamental freedoms, including the right to development, and believing that broad and sustained efforts are needed to build a community of shared future for all human beings in which the human person is the central subject of human rights and fundamental freedoms,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating

* State not a member of the Human Rights Council.

poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner, building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of the Agenda by 2030,

Reaffirming also the New York Declaration for Refugees and Migrants adopted by the General Assembly on 19 September 2016, in which States reaffirmed the human rights of all refugees and migrants, regardless of status, and pledged to fully protect such rights,

Recognizing that the 17 Sustainable Development Goals and the 169 targets of the 2030 Agenda cover a wide range of issues relating to economic, social and cultural rights, in particular availability, accessibility, affordability and quality of services, and many dimensions of civil and political rights, as well as issues that are related to domestic resource mobilization, international cooperation and the right to development, and that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Recalling its resolutions on the question of the realization in all countries of economic, social and cultural rights, and the resolutions adopted by the Commission on Human Rights on the same topic,

Reaffirming the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, including particularly the adoption of legislative measures,

Underlining the human rights principles of, inter alia, non-discrimination, human dignity, equity, equality, universality, participation and accountability, as affirmed in international human rights law and in the Vienna Declaration and Programme of Action, and emphasizing that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are to be realized in a non-discriminatory manner,

Recalling the commitment included in the International Covenant on Economic, Social and Cultural Rights to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, and welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal, and its integration into all goals and targets of the 2030 Agenda for Sustainable Development and throughout the implementation process,

Recognizing that human rights and social protection floors complement each other, and that social protection floors, when used as a baseline, have the potential to facilitate the enjoyment of economic, social and cultural rights and to reduce poverty and inequality,

1. *Calls upon* all States to give full effect to economic, social and cultural rights by, inter alia, taking all appropriate measures to implement the Human Rights Council resolutions on the question of the realization in all countries of economic, social and cultural rights, the most recent of which is resolution 34/4 of 23 March 2017;

2. *Also calls upon* all States that have not yet signed and ratified the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority, and States parties to consider reviewing their reservations thereto;

3. *Welcomes* the most recent ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and encourages all States that have not yet signed and ratified the Optional Protocol to consider doing so, and also to consider making declarations under articles 10 and 11 thereof;

4. *Takes note with appreciation* of the report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights, with a special focus on the role of economic, social and cultural rights in building sustainable and resilient societies for the implementation of the 2030 Agenda for Sustainable Development,

submitted pursuant to Human Rights Council resolution 34/4,[1] and of the conclusions contained therein;

5. *Emphasizes* that, in General Assembly resolution 70/1, States committed to taking bold and transformative steps that were urgently needed to shift the world on to a sustainable and resilient path, pledged that no one would be left behind and that they would endeavour to reach the furthest behind first, recognized that the dignity of the human person was fundamental, envisaged a world of universal respect for equality and non-discrimination and included the concepts of resilience and sustainability in the Goals and targets of the 2030 Agenda;

6. *Recognizes* that working towards sustainable and resilient societies requires States to mitigate the risks of natural and human-made hazards and disasters, such as those arising from the impact of, inter alia, climate change and unsustainable development planning and activities, while acknowledging the links between sustainability and resilience and the enjoyment of all human rights;

7. *Also recognizes* that freedom of expression, including the freedom to seek, receive and impart information, and the right of citizens to take part in the conduct of public affairs are essential for disaster preparedness and protection from environmental harm and that it is important to engage and consult with a broad range of stakeholders at all levels concerning effective action on all aspects of disaster risk reduction;

8. *Urges* States to raise awareness about applicable national and international law, in order to strengthen the resilience and protection of people at risk from natural and human-made hazards and disasters;

9. *Also urges* States to enhance international cooperation in order to complement and strengthen their national disaster risk reduction action and capacity;

10. *Further urges* States to take action to build resilience and work towards sustainable societies, including, as appropriate, by enacting and implementing laws on all relevant aspects of disaster risk mitigation and by setting up information, education, prevention, mitigation, participation, investigation, prosecution and recovery mechanisms and procedures in case of natural and human-made hazards and disasters, in accordance with their international obligations and commitments;

11. *Urges* States to adopt or further develop procedures for information-gathering and measurement which may, if analysed in the light of international human rights law principles and standards, serve as national indicators for State decision-making processes, and which are transparent, participatory and allow for accountability;

12. *Notes with appreciation* the contributions of international human rights mechanisms, including the international human rights treaty bodies, the Human Rights Council and its subsidiary bodies, the special procedures and the universal periodic review in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations, encourages States to give due consideration to information, observations and recommendations from human rights mechanisms when implementing and monitoring progress of the 2030 Agenda, and to promote the cooperation of all stakeholders towards the full integration of human rights into the said processes;

13. *Underlines* the importance of an effective remedy for violations of economic, social and cultural rights, and in this regard notes with appreciation the measures taken to facilitate access to complaints procedures and the domestic adjudication of cases, as appropriate, for victims of alleged human rights violations;

14. *Welcomes* the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts, and in this regard underlines the need to consider justiciability when determining the best way to give domestic legal effect to the rights in the International Covenant on Economic, Social and Cultural Rights;

15. *Recognizes* that the 17 Sustainable Development Goals and 169 targets seek to, inter alia, realize the human rights of all and to achieve gender equality and the

[1] A/HRC/37/30.

empowerment of all women and girls, and that they are integrated and indivisible and balance the three dimensions of sustainable development, namely the economic, social and environmental, and calls upon States to implement the 2030 Agenda consistent with the principles of equality and non-discrimination, and in this regard encourages States to consider appropriate measures to promote de facto equality;

16. *Acknowledges* that social protection floors may facilitate the enjoyment of human rights, including the rights to social security, the highest attainable standard of physical and mental health, an adequate standard of living, including adequate food, clothing and housing, education and safe drinking water and sanitation, in accordance with the human rights obligations of States, and in this regard underlines the importance of acting consistently with the principles of non-discrimination, transparency, participation and accountability;

17. *Notes with appreciation* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the submission of general comments, the consideration of periodic reports and, for States parties to the Optional Protocol to the Covenant, the examination of individual communications;

18. *Also notes with appreciation* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

19. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies and programmes, mechanisms of the Human Rights Council and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

20. *Recognizes and encourages* the important contributions of regional organizations, national human rights institutions and civil society, including non-governmental organizations, academic and research institutions, business enterprises and trade unions, to the question of the realization and enjoyment of economic, social and cultural rights, including training and information activities;

21. *Welcomes* the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise, including on human rights indicators, and its publications, studies, training and information activities on related issues, including through new information technologies;

22. *Requests* the Secretary-General to continue to prepare and submit to the Human Rights Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3, with a special focus on the role of economic, social and cultural rights in empowering people and ensuring inclusiveness and equality;

23. *Decides* to remain seized of this issue and to consider taking further action in order to implement the present resolution.